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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA**

Case No. 2:23-cv-02503-DAD-JDP

TOPFIRE LIMITED, a foreign company; **HK MIUSON INTERNATIONAL CO., LIMITED**, a foreign company; **JIANGGONGXIUSHENZHENGUOJI-MAOYIYOUXIANGONGSI**, a foreign company; foreign company; and **SHENZHENSHILINGBINQIPEI-YOUXIANGONGSI**, a foreign company.

Plaintiffs,

v.

BENJAMIN D. COOK., an individual; and **DOES 1 through 10**, inclusive.

Defendants.

**ANSWER TO COUNTER-CLAIM
 OF DEFENDANT/CROSS-CLAIMANT BENJAMIN D. COOK**

AND RELATED CROSS-ACTIONS

1 Plaintiffs/Counter-defendants, Topfire Limited, HK Miuson International Co., Limited,
2 Shenzhenshilingbinqipeiyouxiangongsi, and Jianggongxiushenzhenguojimaoyiyouxiangongsi,
3 hereby submits its answer to Defendant/Cross-claimant, Benjamin D. Cook's Counter-Claim as
4 set forth below.

5 In response to all paragraphs of the Counterclaims, Plaintiffs/Counter-defendants deny
6 each and every allegation except as expressly admitted herein.

7 JURISDICTION

- 8 1. Admits that this Court has subject matter jurisdiction.
- 9 2. Admits that this Court has personal jurisdiction.
- 10 3. Denies the allegations in paragraph 3.
- 11 4. Denies the allegations in paragraph 4.

12 VENUE

- 13 5. Admits Venue is proper in this District.
- 14 6. Admits Venue is proper in this District.

15 PARTIES

- 16 7. Denies in that it presently lacks sufficient knowledge or information upon which
17 to form a belief as to the truth thereof.
- 18 8. Admits.
- 19 9. Admits.
- 20 10. Admits.
- 21 11. Admits.

22 PATENT-IN-SUIT

- 23 12. There is no allegation asserted in paragraph 12, and therefore no response is
24 required.
- 25 13. Denies paragraph 13 of the Counterclaims that it presently lacks sufficient
26 knowledge or information upon which to form a belief as to the truth thereof.
- 27 14. Denies paragraph 14 of the Counterclaims that it presently lacks sufficient
28 knowledge or information upon which to form a belief as to the truth thereof.

1 **SECOND AFFIRMATIVE DEFENSE**

2 **(Non-Infringement)**

3 Plaintiffs have not infringed, nor is it infringing, the ‘539 Patent directly, indirectly,
4 literally or under the doctrine of equivalents.

5
6 **THIRD AFFIRMATIVE DEFENSE**

7 **(Invalidity)**

8 The ‘539 Patent is invalid for failing to satisfy at least one of the requirements of
9 patentability set forth in 35 U.S.C. §§ 101, 102, 103, and/or 112.

10
11 **FOURTH AFFIRMATIVE DEFENSE**

12 **(Limitation of Damages)**

13 Defendant/Cross-claimant’s claims for damages and costs are limited by 35 U.S.C. §§
14 286, 287, and/or 288.

15
16 **FIFTH AFFIRMATIVE DEFENSE**

17 **(Patent Misuse)**

18 Defendant/Cross-claimant’s Counterclaims are barred, in whole or in part, by patent
19 misuse.

20
21 **SIXTH AFFIRMATIVE DEFENSE**

22 **(Laches)**

23 Defendant/Cross-claimant’s action is barred, in whole or in part, under the doctrine of
24 waiver, stopper, laches, ratification and/or acquiescence.

25
26 **DEMAND FOR JURY TRIAL**

27 Plaintiffs/Cross-defendants hereby request a jury trial for all issues triable by jury.
28

DATED: December 27, 2023

INHOUSE CO. LAW FIRM

By: /s/ Alexander Chen

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Theodore S. Lee, Esq.

Attorneys for Plaintiffs